IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.761 OF 2007

Bhola Chhakorilal Gupta ...Applicant.
Versus
The State of Maharashtra ...Respondent.

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Mr.A.M.Bhalerao,Advocate for the Applicant.
Mr.S.R.Shinde, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 28th March, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking bail in C.R.No.I-106 of 2006 of Vartak Nagar Police Station. The said case is under Section 302 of IPC.

3. It is the prosecution case that the applicant was in love with deceased Saroj and he was insisting that she should marry him. However, Saroj did not do so. Hence on 16.6.2006, the applicant murdered her by strangulating her and stabbing her seven to eight times and thereafter setting her on fire. The cause of death is asphyxia due to strangulation as well as

multiple stab injuries and 30% burns.

4. It is the prosecution case that the complainant - Rakhi who is the sister of deceased Saroj was going to the house of Saroj on 16.6.2006 at 9:00 p.m.. Rakhi was accompanied by her sister Simran. On reaching the building where Saroj resided, on the first floor in the stair case they saw the applicant in frightened condition and the applicant had a blood stained knife in his hand. The applicant went away in hurry and did not speak the complainant or her sister Simran. The sisters saw that the inner door of the house of their sister Saroj was closed. Within 15 minutes, the police arrived there and on entering inside the house of Saroj they found her in burnt condition and with stab wounds on her body.

5. It is seen that the FIR is lodged at 9:30 p.m. on the very same day i.e. within half an hour. The applicant has been named in the said FIR. The complainant has clearly stated that she saw the applicant with blood stained knife in his hand in the stair case on the first floor of the building where her deceased sister resided. Blood stained knife has been recovered at the instance of the applicant.

Besides this blood stained clothes have been seized from the person of applicant. Blood stains found on the knife and the clothes tally with that of Saroj. The motive for the assault has also been stated by the complainant.

6. Looking to all these facts, I do not think that this is a fit case to grant bail to the applicant. Application is rejected.

(SMT.V.K.TAHILRAMANI,J.)